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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 BRIANT CHUN-HOON and CARLO
GUGLIELMINO.

| Case No. CV 05-00620 VRW

Plaintiffs,

V.

15 MCKEE FOODS CORPORATION, a
Tennessee corporation; and DOES 1 through
100, inclusive.

**[PROPOSED] ORDER OF DISMISSAL
WITH PREJUDICE**

Defendants.

18 This action was filed on January 3, 2005, in the Superior Court of Alameda County, and
19 was removed to this Court on February 10, 2005. The parties subsequently reached a settlement
20 of this case, and on August 11, 2009, the parties moved for preliminary approval of the proposed
21 settlement. Doc #93. The terms of settlement are set forth in the parties' Joint Stipulation of
22 Settlement and Release (Doc # 94) and in the Settlement Agreement attached thereto as Exhibit A
23 (the "Settlement Agreement").

24 On October 15, 2009, the Court granted preliminary approval of the proposed settlement.
25 Doc #100. Notice of the proposed settlement was thereafter provided to the class in accordance
26 with the provisions of the Settlement Agreement and preliminary approval order. Doc #104. No
27 objections to the settlement were filed, and only sixteen (16) class members elected to exclude
28 themselves from the settlement. *Id.* The parties moved for final approval of the proposed

1 settlement (Doc #103), and the Court granted final approval on June 7, 2010. Doc #110. In light
2 of the foregoing,

3 IT IS HEREBY ORDERED that this action is dismissed with prejudice. The releases and
4 covenants not to sue by the class representatives and class members, as set forth in Sections 16
5 and 18 of the Settlement Agreement between the parties, are approved by the Court, are binding
6 on the class representatives and class members, and are hereby incorporated by reference and
7 made a part of this Order of Dismissal as though fully set forth herein.

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9 DATED: July 20, 2010 —
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